

Request for Reconsideration:

Applicants are amending claim 1 merely to clarify the claimed invention. Applicants respectfully submits that the amendment to claim 1 is not a narrowing amendment and should not be construed as a surrender of patentable subject-matter. In response to the Examiner's restriction requirement, Applicants elected Group I with traverse. As a result of the restriction being made final, claims 13-22 and 34-66 have been withdraw from consideration. Thus, claims 1-12 and 23-33 currently are pending in the application. Applicants respectfully request that the Examiner reconsider the above-captioned patent application in view of the above amendment and the following remarks.

Remarks:

1. Rejections.

Claims 1-12 and 23-33 stand provisionally rejected under 35 U.S.C. § 101, as allegedly claiming the same invention as claims 1-12 and 23-33 of copending U.S. Patent Application No. 10/715,441 (“‘441 Appl’n”). Moreover, claims 1 and 6-8 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by PCT Publication No. WO 98/40036 to Manzo et al. (“Manzo”), and claims 1-3, 5-8, 12, and 33 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by Published Patent Application No. US 2005/0192604 A1 to Carson et al. (“Carson”). Finally, claims 4 and 9 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Manzo in view of PCT Publication No. WO 00/24339 to Berreklouw; claim 10 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Carson in view of Patent No. U.S. 6,814,750 B2 to Kavteladze et al. (“Kavteladze”); claim 11 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Carson in view of Patent No. U.S. 6,554,848 B2 to Boylan et al. (“Boylan”); and claims 23-32 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Carson in view of Published Application No. US 2002/0161383 A1 to Akin et al. (“Akin”). Applicants respectfully traverse.

2. Statutory Double-Patenting Rejection

Claims 1-12 and 23-33 stand rejected on the basis of statutory double patenting, because they allegedly claim the same invention as claims 1-12 and 22-33 of the co-pending ‘441 Appl’n. In the ‘441 Appl’n, which is also assigned to Examiner Kotini, Applicants cancelled claims 1-12 and 23-33 in a telephone discussion with Examiner Kotini on September 6, 2006. A record of the telephonic cancellation of the claims listed above was made in a non-final Office Action, mailed on September 27, 2006, in the ‘441 Appl’n. Accordingly, the

rejection of claims 1-12 and 23-33 on the basis of statutory double patenting is moot, and, thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-12 and 22-33 on the basis of statutory double-patenting.

3. Anticipation Rejections.

As noted above, claim 1 stands rejected as allegedly being anticipated by Manzo and Carson. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (citations omitted). The Office Action contends that each of Manzo and Carson discloses each and every element of claim 1. Applicants respectfully traverse.

a. Claim 1

Claim 1, as amended, describes “a flange formed substantially at said second end of said channel.” Applicants respectfully submit that each of Manzo and Carson fails to disclose at least this element of claim 1.

(i) Manzo

As shown in **Fig. 1** of Manzo, locking ring 16 slides over a distal ramped surface 26 of tubular branch portion 24. Locking ring 16 is not formed substantially at the end of ramped surface 26. Instead, locking ring 16 is located at a position “between ramped surfaces 26 . . . compressing vessel 44 into sealing engagement with branch portion 24.” Manzo, Page 6, Lines 4-7. Therefore, Applicants respectfully submit that Manzo fails to disclose “a flange formed substantially at said second end of said channel.”

(ii) Carson

Further, Carson also fails to disclose “a flange formed substantially at said second end of said channel.” **Fig. 1A** shows that first securing component 14 includes an extension 32 having a locking structure 34 (discrete threads or rings) adapted to engage a locking structure 38 (grooves) adjacent to the first end of conduit body 18 connected to the second securing component 16. See Carson, Page 5, Para. [0068]. Thus, as shown in **Figs. 2A and 2B**, Applicants submit that extension 32 is not “substantially at” the first end of conduit 18 connected to first securing component 14, which the Office Action characterizes as the claimed saddle.

In addition, conduit body 18 appears to have a substantially circular cross-section at the first end connected or adjacent to the second securing component 16--depending on whether the conduit body is integral to second securing component 16. See Carson, Page 4, Para. [0066]. Further, conduit body 18 approximates the circular cross-section of extension 32, so that locking structure 34 engages locking structure 38 to connect conduit body 18 to first securing component 14. See Carson, **Figs. 3A-3B**. Thus, Applicants submit that the first end of conduit 18 lacks a “substantially elliptical cross-section connected to said saddle.”

Accordingly, each of Manzo and Carson fails to disclose each and every element of amended, independent claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 1.

b. Claims 2, 3, 5-8, and 12

Claims 2, 3, 5-8, and 12 depend, either directly or indirectly, from independent claim 1. Consequently, these dependent claims incorporate all the elements recited by claim 1, as amended. Thus, Applicants respectfully submit that if each of Manzo and Carson fails to disclose all of the elements of claim 1, then each also must fail to disclose all of the elements of

the dependent claims. Therefore, we respectfully request that the Examiner withdraw the anticipation rejections of claims 2, 3, 5-8, and 12.

c. Claim 33

Claim 33, which depends from and incorporates the element of independent claim 23, stands rejected as allegedly anticipated by Carson. The Office Action acknowledges that Carson fails to disclose each and every element of claim 23. See Office Action, Page 8, Lines 12-13. As a result, Carson does not disclose all of the elements of any claim that depends from claim 23, including dependent claim 33. Thus, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 33.

4. Obviousness Rejections

In order to establish a prima facie case for obviousness, the Office Action must fulfill three (3) criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Office Action. Second, there must be a reasonable expectation of success. Third, the prior art references must disclose or suggest all the claim limitations. MPEP 2143. Applicants respectfully submit that the Office Action fails to establish a prima facie case of obviousness with respect to claims 4, 9-11, and 23-33 for at least the following reasons.

a. Claims 4 and 9-11

Claims 4 and 9, which depend from independent claim 1, stand rejected as allegedly being rendered obvious by Manzo in view of Berreklouw. Claims 10 and 11, which also depend from independent claim 1, stand rejected as allegedly being rendered obvious by Carson in view of either Kavteladze or Boylan. As demonstrated above, however, each of

Manzo and Carson fails to disclose at least “a flange substantially at said second end of said channel” described by claim 1, as amended. Moreover, the references cited in the Office Action fail to overcome the above-noted deficiencies of Manzo and Carson. Accordingly, the Office Action fails to establish a prima facie case of obviousness because the proposed combinations of references fail to disclose or suggest each and every limitation of claims 4 and 9-11. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejections of dependent claims 4 and 9-11.

b. Claim 23

Claim 23 stands rejected as allegedly being rendered obvious by Carson in view of Akin. The Office Action asserts that Carson discloses a conduit 10 having a first securing component 14, a conduit body 18, a second securing component 16, an extension 32, and a second attachment portion 296, but fails to disclose a clamping ring. The Office Action contends that it would have been obvious to a person of ordinary skill in the art to modify Carson in view of securement ring 122 of Akin to teach the claimed invention, as a whole. Applicants respectfully disagree.

The Office Action erroneously states that “since there are two couplers, then there would be . . . two channels.” See Office Action, Page 8, Lines 9-10. The embodiment depicted in **Fig. 21C**, however, uses a single conduit body 294 including an attachment portion 298 at an end connected to a first vessel, and a second attachment portion 296, having the same structure as first attachment portion 298, connected to a blood source (or target vessel). See Carson, Page 10, Para. [0109]. Thus, the embodiment relied upon by the Office Action does not disclose two channels as required by claim 23. Accordingly, the Office Action fails to demonstrate that the art of record discloses or suggests all the limitations of claim 23.

In addition, there is no reasonable expectation of success for the proposed combination of Carson in view of Akin. MPEP 2143.02. Claim 23 recites “a clamping ring for securing said first flange and said second flange together.” Looking at **Fig. 21C**, the respective extensions of each attachment portion 296, 298, are at opposite ends of conduit body 294. Thus, single securement ring 122 of Akin could not secure the two extensions of Carson in the manner described by claim 23. Therefore, the proposed modification of Carson in view of Akin fails to provide the necessary “reasonable expectation of success” to establish a prima facie case of obviousness.

Accordingly, the Office Action fails to establish a prima facie case of obviousness because: (1) the art of record fails to disclose or suggest all the limitation of claim 23; and (2) the Office Action fails to demonstrate the requisite “reasonable expectation of success” for the proposed combination of Carson in view of Akin. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claim 23.

c. Claims 24-33

Claims 24-32, which stand rejected as obvious, and claim 33, which erroneously stands rejected as anticipated, depend from allowable, independent claim 23. MPEP 2143.03 states that “[i]f an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejections of claims 24-32, as well as the anticipation rejection of claim 33.

Conclusion:

Applicants maintain that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicants' representative, Applicants would welcome the opportunity to do so.

Applicants believe that no fees, other than the fees for a two-month extension of time, are due as a result of the submission of this Responsive Amendment. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the PTO, please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**.

Respectfully submitted,
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